

1
2
3
4
5
6
7
8 ANGELITO GALINATO, an individual; and
9 HILARINA L. GALINATO, an individual,

10 Plaintiffs,

11 v.

12 WELLS FARGO BANK, N.A., a business
13 entity form unknown; NBS DEFAULT
14 SERVICES, LLC, a business entity form
15 unknown; and DOES 1-100, inclusive,

16 Defendants.

17 Case No. 5:14-cv-05198 HRL

18

19 **ORDER REFERRING CASE TO ADR
20 UNIT FOR ASSESSMENT TELEPHONE
21 CONFERENCE**

22 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this
23 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone
24 conference to assess this case's suitability for mediation or a settlement conference. Plaintiffs'
25 and Defendant's counsel shall participate in a telephone conference, to be scheduled by the ADR
26 Unit as soon as possible but no later than January 9, 2015.

27 Plaintiffs' and Defendant's counsel shall be prepared to discuss the following subjects:

- 28
- 29 (1) Identification and description of claims and alleged defects in loan documents.

30 (2) Prospects for loan modification.

31 (3) Prospects for settlement.

32 The parties need not submit written materials to the ADR Unit for the telephone

United States District Court
Northern District of California

1 conference.

2 In preparation for the telephone conference, Plaintiffs shall do the following:

3 (1) Review relevant loan documents and investigate the claims to determine whether
4 they have merit.

5 (2) If Plaintiffs are seeking a loan modification to resolve all or some of the claims,
6 Plaintiffs shall prepare a current, accurate financial statement and gather all of the information and
7 documents customarily needed to support a loan modification request. Further, Plaintiffs shall
8 immediately notify Defendant's counsel of the request for a loan modification.

9 (3) Provide counsel for Defendant with information necessary to evaluate the prospects
10 for loan modification, in the form of a financial statement, worksheet or application customarily
11 used by financial institutions.

12 In preparation for the telephone conference, counsel for Defendant shall do the following.

13 (1) If Defendant is unable or unwilling to do a loan modification after receiving notice
14 of Plaintiffs' request, counsel for Defendant shall promptly notify Plaintiffs to that effect.

15 (2) Arrange for a representative of each Defendant with full settlement authority to
16 participate in the telephone conference.

17 The ADR Unit will notify the parties of the date and time the telephone conference will be
18 held. After the telephone conference, the ADR Unit will advise the Court of its recommendation
19 for further ADR proceedings.

20 **SO ORDERED.**

21 Dated: November 25, 2014



22
23 HOWARD R. LLOYD
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28

1 5:14-cv-05198-HRL Notice has been electronically mailed to:

2 Daniel A Armstrong darmstrong@afrct.com, AFRCTECF@afrct.com, emartinez@afrct.com,
3 lvelasquez@afrct.com

4 5:14-cv-05198-HRL Courtesy copy sent by U.S. Mail to:

5 Joseph R. Manning, Jr.
6 The Law Offices of Joseph R. Manning, Jr.
7 4667 MacArthur Blvd., Suite 150
Newport Beach, CA 92660

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California